

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-9 are pending and stand rejected.

Claims 1, 2, 3 and 8 have been amended. Claims 4 and 9 have been cancelled

Claims 1, 2, 3, 7, 8 and 9 are independent claim.

Claims 8-9 stand rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in the interest of advancing the prosecution of this matter, claim 8 has been amended to remove the language (i.e., a signal) that the Office Action refers to as being directed to non-statutory subject matter and claim 9 has been cancelled.

For the amendments made to the claims, applicant submits that the reason for the rejection has been overcome.

Claims 1-9 stand rejected under 35 USC 102(b) as being anticipated by Toyota (EP 0785 537).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, applicant has elected to amend each of the independent claims to further recite that "the itinerary considering forms of transportation" and "the proximity conditions being determined in consideration of said forms of transportation." No new matter has been added. Support for the amendment may be found at least in cancelled claim 4 and on page 4, lines 14-17. Although, cancelled claim 4 has been rejected citing the Toyota reference, it will be shown that Toyota fails to provide any teaching regarding computing an itinerary considering the mode of transportation or determining a proximate distance considering the mode of transportation, as is now recited in the claims.

Toyota discloses a travel planning system for preparing a travel plan by accessing a data base from a terminal and acquiring information about service facilities existing on the route from the starting place to the destination.

In rejecting claim 4, the Office Action refers to Figure 10, step 307 for teaching a transport mode defining the itinerary search criterion and the proximity condition being adapted as a function of the transport mode. However, a review of this step reveals that the length (path) between points A and B are divided into equal distances. This is further referred-to with regard to the description of step 201 in Figure 5 wherein the routes are divided into fixed intervals (see col. 7, lines 35-55). In one aspect, Toyota discloses that after the cell sizes (fixed intervals) are determined, and then a time within the cell may be determined based on a departure time and cell size. However, nowhere does Toyota disclose the consideration of the mode of transportation in determining the itinerary or the proximity condition as a function of the transportation mode, as is recited in each of the independent claims.

A claim is anticipated if each of the elements of recited in the claim is disclosed by a single prior art reference.

Toyota cannot be said to anticipate the invention claimed as Toyota fails to disclose a material element recited in the claims, e.g., the proximity condition as a function of the transportation mode.

Accordingly, the independent claims, and the claims dependent therefrom, are not anticipated as the cited reference fails to disclose all the elements recited in the independent claims.

For the amendments made to the claims and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that a Notice of Allowance be issued.

Should the Examiner believe that the disposition of any issues arising from this

response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,

Date: December 14, 2008

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